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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,685	09/28/2001	Shawn Dominic Loveland	13768.233	5018
47973	7590	02/04/2005	EXAMINER	
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/966,685		LOVELAND ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Wen-Tai Lin		2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9-01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-28 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 14-18, 20-23 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lohtia[U.S. PGPub 20030023690].

4. As to claim 1, Lohtia teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to designated devices in response to detected events, a method for the notification mechanism notifying a user of an event in a context sensitive manner, the method comprising the following:

an act of detecting an event which requires a notification be dispatched to the user;

an act of upon detecting the event, accessing a current context of the user [Abstract: lines 5-10; paragraph 12];

an act of identifying one of a plurality of possible notification methods to use in order to dispatch the notification based on the current context of the user [Abstract: lines 9-13]; and

an act of causing the notification to be dispatched to the user using the identified notification method [Figs. 3A-3B; paragraphs 4-5].

5. As to claim 2, Lohtia further teaches that the method comprising an act of supporting a plurality of response actions that may be desired in response to the notification [e.g., paragraphs 15-16; i.e., that responses inherently vary with the devices receiving the notifications].

6. As to claims 3-4, Lohtia further teaches that the method comprising the following an act of receiving a user-selection of at least one of the response actions, wherein the user-selection being issued by the user in the same manner as the user received the notification [paragraph 12; i.e., one of the responses is receiving acknowledgement from the registered devices, or inherently a user may choose to response to the message sender online when he is present with the device receiving the message].

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7. As to claims 5, 7-8 and 11-12, Lohtia further teaches that the plurality of possible notification methods include at least a voice notification method and a visual notification method, wherein the act of identifying one of the plurality of possible notification methods comprises an act of identifying the visual notification method based on the current context of the user, and the visual notification method includes a text notification method [e.g., paragraph 16].

8. As to claim 6, Lohtia further teaches that the act of identifying one of the plurality of possible notification methods comprises an act of identifying the voice notification method based on the current context of the user [paragraph 16].

9. As to claims 9-10, Lohtia further teaches that the text notification method includes a notification method that uses text messages of limited size [e.g., SMS messages are size limited].

10. As to claims 21-22, Lohtia teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to designated devices in response to detected events, a method for the notification mechanism notifying a user of a conditional event in an audible manner, the method comprising the following:

an act of detecting a conditional event which requires a notification be dispatched to the user; and an act of causing an audible notification to be dispatched to the user

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using a telephone network [e.g., paragraph 19], wherein a notification (in text form) may be provided to the user at the POTS telephone via synthesized speech.

**11.** As to claims 14-18, 20, 23 and 26-28, since the features of these claims can also be found in claims 1-12 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-12 and 21-22 above.

***Claim Rejections - 35 USC § 103***

**12.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**13.** Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia [U.S. PGPub 20030023690], as applied to claims 1-12, 14-18, 20-23 and 26-28 above, further in view of Shteyn [U.S. PGPub 20030058096].

**14.** As to claims 13 and 19, Lohtia further teaches that that the notification method including using the current context of the user is recorded in a profile [e.g., paragraph 4 and 18; i.e., based on the conditions set in the profile]. Lohtia does not specifically teach that the profile includes rules for deriving the notification method.

However, in the same field of endeavor, Shteyn teaches that the profile may include

rules and criteria that are based on the status of multiple network-enabled devices [Shteyn: paragraph 20 and claim 18]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate rules in Lohtia's profile because rule-based decision-making process is popularly used and proven to be flexible in dealing with complicated situations.

15. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia [U.S. PGPub 20030023690], as applied to claims 1-23 and 26-28 above, further in view of Chow et al. (hereafter "Chow") [U.S. PGPub 20020002678]. *antl*

16. As to claims 24-25, Lohtia teaches that authenticating a cellular phone user [paragraph 16]. Lohtia does not specifically teach that the telephone services include a voice print authentication service for authenticating the user as the intended recipient of the notification based on the voice print.

However, voice print authentication method is well known and can be found in prior art such as Chow at paragraph 93.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to authenticate a message recipient with voice print because it is convenient and effective for telephone users.

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17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Automated [U.S. Pat. No. 6463462]; and

Balog et al. [U.S. PGPub 20020022453].

18. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

February 2, 2005

*Wen-Tai Lin*  
2/2/05